



Mauritania

Country Reports on Human Rights Practices - [2004](#)

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Mauritania is a highly centralized Islamic republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouiya Ould Sid'Ahmed Taya, head of the ruling Republican Social Democrat Party (PRDS), has governed since 1984, first as head of a military junta and since 1992 as head of an elected civilian government. Taya was reelected President with more than 67 percent of the vote in November 2003. The leading opposition candidate was arrested just before election day, released on the eve of election day, then arrested again the day after day elections. Opposition candidates alleged widespread fraud, but they chose not to contest the election's results via available legal channels. Several political parties remained banned, and the Government refused two new political parties' requests for official recognition. The judiciary was subject to significant pressure from the executive through the latter's ability to appoint and pressure judges.

The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. The civilian authorities generally maintained effective control of the security forces; however, authorities arrested over 100 military, police, and Gendarmerie officers in August, September, and October on charges of coup plotting. Some members of the security forces committed human rights abuses.

The country had an estimated population of 2.9 million and had a market-oriented economy. Persistent drought, widespread desertification, and the largest locust invasion in at least 15 years have severely harmed the country. Mauritania suffers from rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impeded economic growth. The country received foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The Government circumscribed citizens' ability to change their government. There were some reports that the police beat detainees, and there were unconfirmed reports of torture. The Government took action against some members of security forces who committed abuses; however, impunity remained a problem. Prison conditions were harsh. Security forces used arbitrary arrest and detention and illegal searches. Although lengthy pretrial detentions continued, the length of pretrial detentions grew shorter due to an increased number of general and specialized courts. The Government continued its program of judicial reform and training. At times, the Government restricted freedom of speech, the press, and assembly. The Government limited freedoms of association and religion. The Government refused to recognize officially some nongovernmental organizations (NGOs) and human rights organizations. Discrimination against women continued. Female genital mutilation (FGM) remained a serious problem, despite some government efforts to halt the practice. Trafficking in persons was a problem. Ethnic tensions continued, and the largely southern-based ethnic groups remained underrepresented in political life, and some of their members felt excluded from effective political representation. Despite government efforts to eradicate the practice, local and international reports continued that slavery in the form of involuntary servitude persisted, particularly in remote regions of the country where a barter economy still existed. In addition, former slaves or descendants of slaves continued to work voluntarily for former masters or others in highly dependent relationships that constituted extreme servitude. Child labor in the informal sector was common.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. The trial of the two policemen charged with killing Amadou Kane, in August 2003, began in June. The government prosecutor charged the policemen with involuntary manslaughter and chose not to put the policemen into pretrial confinement. The trial continued at

year's end.

There were no developments in the 2003 drowning of Taleb Boubacar on the Nouakchott beach or in the official investigation into the killing of a teenager in Kaedi.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that police beat criminal suspects in custody. Several allegations of torture, in particular, of torture at the Ouad Naga and police school prisons, remained unconfirmed.

In October, Al-Jazeera broadcasted several images of bound and hooded men at the police school and Ouad Naga prison in connection with the coup attempts and plots during 2003. The Government categorically denied that prisoners at either prison had been tortured, and, at year's end, continued to work on an ICRC request for an official visit to these prisons.

Lawyers and family members of 129 soldiers detained in connection with the June 2003 coup attempt continued to allege that security forces tortured the detainees (see Section 1.d.). Neither media nor detainees provided conclusive evidence of torture.

Prison conditions remained harsh, although human rights activists reported that prison administration continued to show improvement. In some prisons, serious overcrowding persisted, and sanitation facilities remained inadequate, reportedly contributing to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Prisoners with high-level government connections and with families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. In June, the Government provided food, bedding, medicines, and clothing to the Beyla prison in Nouakchott; however, budget allocations to improve food and nutrition, medical services and supplies, and bedding and cleaning supplies were not sufficient. Guard force management generally enforced regulations against beatings and torture; however, there continued to be credible reports of beatings of detainees at the Commissariat outside the Nouakchott prison. The nationwide prison capacity was 700, and, in September, the prison population was approximately 1,000. The prison population in Nouakchott was 405 persons. There were 381 men, 8 women, and 16 minors; minors were held in separate facilities. Local NGOs approvingly noted that the Government did not imprison any female rape victims during the year, in contrast to past practice.

Female prisoners have separate facilities with female guards and a communal garden. Children of female prisoners remained with their mothers, or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, provided education and domestic training to the female prisoners. UNICEF, in collaboration with the Catholic NGO CARITAS and the Noura Foundation, provided services such as job training and sport activities in the juvenile detention centers. Pretrial detainees were frequently held with convicted prisoners, as a result of over crowding problems in the prisons.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) had access to prisons but did not conduct prison visits during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, there were frequent reports that the police arbitrarily arrested and detained citizens.

The police, who are under the control of the Ministry of the Interior, lacked equipment and training, which often weakened attempts to enforce the law. Corruption was believed to be endemic at all levels of the police. Police generally acted with impunity. The Government often did not hold security officials accountable or prosecute security officials for abuses.

The application of constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. While one article of the law provides detainees with the right to prompt judicial determination of the charges against them, an older law allows the Government to detain persons for up to 30 days without a judicial determination. The Government frequently adhered to the older law, particularly during politically turbulent periods. There is a provision for granting bail, but it was rarely used. The Government continued its judicial system reforms, which included creating specialized appeals courts and training judges in specialized legal fields abroad during the year.

In August, the Government briefly detained, but released the same day, several religious leaders on unspecified charges. The arrests appeared to be based on alleged political activities rather than religious beliefs. Several Islamist leaders--Jemil Mansour,

Imam Dedew, and Moktar Mohamed Moussa--were arrested on multiple occasions during the year, allegedly for taking pictures of prisoners who claimed to have been tortured. The three men remained in pretrial confinement and under investigation, but had not been formally charged with any crime, at year's end.

During the year, the Government arrested several military officers and civilians allegedly involved in coup plotting (see Section 3).

The 129 detainees held in connection with the June 2003 coup attempt were moved to a prison southeast of Nouakchott where conditions, particularly in the summer heat, were reported to be very harsh. Multiple reports alleged that, for periods of several weeks at a time, prisoners were not allowed access to lawyers or family.

According to some neutral observers, police in some regions arrested former criminals and demanded bribes for their release. Pretrial detention was a common practice. Some indicted detainees were released before trial without explanation.

e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, in practice, the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness.

There is a single system of courts with a modernized legal system that conformed with the principles of Islamic law (Shari'a). Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$39 (10,000 ouguiya) and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors cases. At the middle level, three courts of appeal, each with seven chambers (civil, commercial, administrative, and penal chambers, as well as criminal, minors, and labor courts) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court was nominally independent and was headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review was within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly president, and one by the Senate president. The Supreme Council of Magistrates, over which the President presided, undertook annual review of judicial decisions; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly were members of this council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which were open to the public. If defendants lack the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based, and courts did not treat women as the equals of men in all cases (see Section 5).

The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were convicted tried and sentenced to the juvenile detention center. There was a special court to hear the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence by organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals for specific types of disputes held court sessions more frequently. In August and September, several Islamic magistrates and legal clerks participated in a training program abroad that emphasized exposure to international legal concepts, including foundations of business law and property law.

The Government opened the trial of 181 men, who were charged with either participating in the June 2003 coup attempt or with plotting other coups, in late November. Defense lawyers alleged several procedural irregularities at the trial, including the presence of military officers on a tribunal that judged civilians as well as soldiers and the prosecution's demand for the death penalties for up to 18 men based solely on their signed confessions, not on any material evidence. The trial was ongoing at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial warrants to execute home searches; however, the authorities reportedly often ignored this requirement.

Government surveillance of dissidents and the political opposition was believed to continue; however, the extent to which the Government used informants was unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Black Moors and distributing it to their friends and family. However, the Government intervened in Barkeol and ensured that most of the misappropriated land was returned to its traditional owners, with other former owners receiving compensation for the loss of their land.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. In a few cases, media groups were refused access to public forums or censored for criticizing the Government. The Government did not restrict academic freedom.

All newspapers must register with the Ministry of the Interior; registration was routine. Two daily newspapers, Horizons and Chaab, were government owned. There were approximately 25 privately owned newspapers that published on a regular basis. These journals were weeklies and reached limited audiences. NGOs and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns. Newspapers, journals, and privately published books were exempt from all taxes on materials used to produce them.

Radio was the most important medium in reaching the public, and the official media strongly supported government policies. All broadcast media (radio and television) were government owned and operated. The Government continued to deny, or simply not respond to, private applications to establish domestic radio stations.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

Unlike in the previous year, there were no reports that journalists were arrested during the year.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviewed all newspaper copy prior to publication and usually authorized sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. The Ministry censored one weekly edition of an independent newspaper.

In September, the Government banned Al Jawahir, an independent Arabic-language newspaper, as a result of its alleged financial links to Libya. The Government had accused Libya of backing a coup plot in August (see Section 1.d.).

The Arab-language private newspaper, Ar-Raya, closed by the Government in 2003 as a result of its links with Islamist political leader Jemil Mansour, remained closed during the year.

A senior member of the ruling political party sued four independent newspapers for libel after they published articles in their local newspapers in April, alleging that he embezzled funds from the sale of an oil refinery. The case was settled out-of-court.

Opposition parties' access to government radio and television broadcast facilities was extremely limited.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice.

The law requires that all recognized political parties and NGOs apply to the local prefect for permission to hold large meetings or assemblies. On November 8 and 9, police used tear gas to disperse demonstrations in Nouakchott. In May, the Government refused to allow a lawyers' organization to hold a press conference in Nouakchott on the grounds that the organization was not officially recognized. The Government refused several formal requests by recognized opposition parties to hold marches and

press conferences.

The Constitution provides for freedom of association; however, the Government limited this right in practice, and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. At least 15 organized political parties and a wide array of NGOs, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the Government banned or refused to authorize several parties. The Government has not yet granted some NGOs official standing but did not prevent them from functioning (see Section 4). The Government did not recognize any new NGOs or associations during the year.

The Government refused two new political parties' requests for official recognition, and continued to ban the political parties Action for Change, Union of Democratic Forces-New Era (UFD-EN), An-Nouhoud, and Taliaa (Vanguard). The Government did recognize one new, opposition-based political party named "Sawab."

The Government's prohibition against forming the Convention for Change party remained in force.

In June, the African Commissions on Human and People's Rights stated that the Government's 2000 banning of the UFD-EN was a violation of Article 10 of the African Charter of Human and People's Rights.

c. Freedom of Religion

The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; the Government limited freedom of religion. However, Christians in the foreign community and the few Christian citizens practiced their religion openly and freely.

The Government did not register religious groups; however, NGOs had to register with the Ministry of the Interior (see Section 2.b.). This included humanitarian and development NGOs affiliated with religious groups.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice, the Government prohibited proselytizing by non-Muslims through the use of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. However, there were no reports that the Government punished persons for violating this provision during the year. The Government viewed any attempts by Christians to convert Muslims as undermining society; however, the Government also restricted suspected Islamic extremists. There were no known non-Muslim groups engaging in proselytizing, and foreign Christian NGOs limited their activities to humanitarian and development assistance.

Under the Press Act, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and, in practice, Bibles were neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice; however, in some regions, persons lacking identity cards could not travel freely. The Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes; however, during the year, the Government generally maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas.

The U.N. High Commissioner for Refugees (UNHCR) estimated that there were between 15,000 and 20,000 refugees from the 1989-91 crisis remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGOs and humanitarian workers. Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Throughout the Chemama or the Senegal River Valley region, returnee communities were reestablishing their agricultural production; however, recovery of land titles remained the primary issue. Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, or the 1967 African Union Convention on the status of refugees, but the Government has established a system for providing such protection. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees status or asylum.

The Government provided temporary protection to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, the Democratic Republic of the Congo, Cote d'Ivoire, Mali, Western Sahara, and Guinea-Bissau. The Government also accepted the UNHCR's registration of approximately 400 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosted more than 50,000 nationals of other West African countries who sought refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small-craft fishermen were Senegalese.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, this right was circumscribed in practice.

Although civilians occupied all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

President Taya won the November 2003 elections with 67 percent of the vote amid reports of fraud, particularly in the southern part of the country. The Government did not invite international and local diplomatic observers to observe the voting process, although it did permit one international organization to visit the country during the elections. The leading opposition candidate, Mohamed Haidallah, was arrested the day before the election, released, and re-arrested the day after the election. Opposition candidates alleged that the Government conducted a fraudulent election but chose not to contest the election's results via available legal channels, reportedly because the leading opposition candidate's imprisonment immediately following the elections prevented him from taking any legal action.

The Government arrested and tried 181 persons, mostly military officers, including Major Saleh Ould Hanenna, the leader of the "Knights of Change," for their involvement in three separate attempts to stage a coup to overthrow President Taya. The trial continued at year's end.

The Government reportedly harassed the sons of former president and current opposition leader Mohamed Haidallah on several occasions during the year, allegedly in connection with criminal activity.

There were no laws permitting public access to government information, by either citizens or non-citizens. Requests for such access were routinely refused, usually without a specific reason being given.

Women have the right to vote and formed the majority of registered voters in the November 2003 presidential elections. There were 3 women in the 81-seat National Assembly and 6 women in the 56-seat Senate. Three of the 15 members of the Executive Bureau of the ruling PRDS were women, and a woman headed the Union for Democracy and Progress party, a part of the ruling coalition. Women occupied some senior government positions: Three cabinet-level posts including the Minister of Labor, two secretaries of state (Women's Affairs and New Technologies), the deputy director of the President's Cabinet, and the President's Minister-Counselor. Women were well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. Aicha Mint Jeddane registered in the 2003 presidential elections as the country's first female presidential candidate. Her campaign platform focused on promoting women's issues.

The 56-member Senate had 3 Black Moors, 4 Halpulaars, 3 Soninkes, and the remaining 46 were of either White Moor or mixed White Moor/Black Moor heritage. The 81-member National Assembly had 9 Black Moors, 8 Halpulaars, 2 Soninkes, and 2 Wolof. Minorities such as the Black Moors, Halpulaars, Soninkes, and Wolofs were underrepresented in senior government positions. However, Sghair Ould M'Bareck was appointed as the country's first Black Moor Prime Minister in July 2003 and reappointed in mid-November 2003, and the first Black Moor woman to occupy a ministerial level position was appointed Minister of Public Records on November 2003. Of the Government's 22 ministerial posts, 2 incumbents were Black Moor, 2 were Halpulaar, and 1 was Soninke; the remaining 14 were of either White Moor or mixed White Moor/Black Moor ethnicity (see Section 5). The full 26-member Cabinet, including secretaries of state, had 2 Black Moors, 3 Halpulaars, and 1 Soninke.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government did not officially recognize a number of NGOs, and denied these NGOs the ability to deal with government officials, as well as the ability to request government assistance.

There were three organizations concerned with overall human rights issues. The oldest is the Mauritanian League for Human Rights (LMDH), a government-recognized body with a strong track record of defending government policies. A second organization, the Mauritanian Association for Human Rights (AMDH), was still unrecognized during the year (see Section 2.b.). While not affiliated with the opposition, the AMDH had many opposition members, and the AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989-91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDES-Africa) was not officially recognized. The

Government has not responded to the applications of these organizations on the grounds that they were ethnically based organizations that were divisive and in violation of the law; however, the unrecognized organizations generally carried out their activities unimpeded by the Government. Many of the other organizations, including 14 unregistered associations such as the anti-slavery NGO SOS-Esclaves, were active in addressing human rights issues such as slavery, refugees, and the 1989 expellees.

Unlike in the previous year, no international human rights organizations visited the country during the year. An International Labor Organization (ILO) contact team visited the country in May.

In August, the U.N.-based Committee for the Elimination of Racial Discrimination (CERD) reported that slavery, FGM, and racial discrimination remained ongoing problems in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda; however, in practice, the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, was endemic, although the situation continued to improve.

Women

Abuse and domestic violence are illegal, and human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes.

Rape, including spousal rape, is illegal, and there was one known conviction under this law during the year. In this case, the victim was a foreign national, and the perpetrators received light sentences, ranging from time served to 2 years minus time served. According to NGO reporting, the incidence of unreported rape was high. A credible local NGO's 2000 study found approximately 330 cases of rape in Nouakchott. Of the 330 cases, 140 had been reported as rape to medical staff. The remaining 190 had not been reported as rape, but the NGO concluded that the cases fit the medical profile for violent sexual assault. The study added that 46 percent of these 330 assaults were group assaults.

Prostitution is illegal; however, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among White Moors tribal groups. While there was no law prohibiting gavage, the Government made it a policy to end the practice. Reports during the year indicate that very few women are currently subjected to gavage.

FGM was practiced among all ethnic groups. It was performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. According to the most recent internationally sponsored study in 2001, three-fourths of all women between the ages of 15 and 49 have been subjected to FGM. Local experts agreed that the least severe form of excision was practiced and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government and international NGOs continued to coordinate anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations in some areas on the issue. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights continued to emphasize the serious health risks of FGM and emphasize that FGM was not a religious requirement. The Government continued intensive media and educational campaigns against FGM during the year. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from carrying on this practice. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice; however, there were reports during the year that midwives performed FGM in local hospitals in violation of the Government's ban.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a as applied in the country, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice, polygyny was very rare among Moors but was common among other ethnic groups. It was common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulated that her husband must agree to end their marriage if he chose an additional wife. Arranged marriages also were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. The reported rate of divorce among Moors remained 37 percent, with a remarriage rate of 72.5 percent. In July, the National

Assembly voted against a proposal to provide women the same rights for a divorce that are available to men.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed than they award for a man's death. The Personal Status Code provides a framework for the consistent application of secular law and Shari'a-based family law, but this Code has yet to be implemented. For example, formulas applied to property distribution varied widely from case to case. In addition, the validity of and right to establish prenuptial agreements was not always respected. However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, observed this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in areas that were traditionally filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

Children

The law makes special provision for the protection of children's welfare, and the Government had programs to care for abandoned children; however, inadequate funding hampered these programs. Education continued to receive the largest share of the national budget at 18 percent. The Government relied on foreign donors in such areas as child immunization.

The Government required attendance at school for 6 years, but full implementation of universal primary education was not scheduled to be completed until at least 2007, primarily because the Government lacked the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. There was a moderate increase in the official attendance rate, which increased to 91.7 percent during the year from 90 percent in 2001. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. An estimated 90 percent of school-age girls attended elementary school in 1998 and 1999, compared with 88 percent for boys. At the secondary level, female students constituted 44 percent of those enrolled. Despite these increases, enrollment in the southern and eastern parts of the country remained at a lower level. Female students made up 21.2 percent of the university's enrollment for the 2001-2002 academic year. Female students also constituted 30.5 percent of enrollment in technical schools. The official literacy rate for women remained at 32 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic.

FGM was commonly performed on young girls (see Section 5, Women).

Trafficking in children occurred (see Section 5, Trafficking).

Child labor was a problem, particularly in the informal sector (see Section 6.d.)

Local NGOs estimated that there were up to 400 street children, largely as a result of poverty and of the urbanization of formerly nomadic families; however, the Government implemented a program to assist families with street children and to encourage their school attendance.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; the Government did not prosecute or sentence anyone under this law during the year.

The country was a source and destination for men, women, and children trafficked for the purpose of forced labor. Multiple NGO reports suggested that forced labor took several possible forms (see Section 6.c.). Slavery-related practices, and possibly slavery itself, persisted in isolated areas of the country where a barter economy still prevailed. Several reports suggested that young girls from remote regions, and possibly from western Mali, worked as unpaid housemaids in some wealthy urban homes. An unknown number of Talibes, or young boys, nearly all from Pulaar tribes, begged in the streets as part of a "work-study" arrangement with some "marabouts", or religious teachers, for receiving religious instruction.

There were no reports that government officials participated in, facilitated, or condoned trafficking. The Government did not provide assistance or protection services to trafficking victims, but did allow one NGO to provide limited assistance to Talibes.

The Government took measures to improve border security to combat trafficking in persons. Although no traffickers have been apprehended, these measures have resulted in arrests for alien smuggling.

Persons with Disabilities

The law does not provide specifically for persons with disabilities; however, there were no reports of government or societal discrimination against persons with disabilities. The Government does not mandate preference in employment or education or public accessibility for persons with disabilities; however, it did provide some rehabilitation and other assistance for persons with disabilities. NGOs have become increasingly active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 67 students during the year; however, the school lacked sufficient trained staff.

National/Racial/Ethnic Minorities

Ethnic minorities faced societal discrimination. Ethnic and cultural tension and discrimination arose from the geographic and cultural divides between Moor and Black African. The Moors were divided among numerous ethno-linguistic tribal and clan groups and further distinguished racially as either White Moor or Black Moor, although it often was difficult to distinguish between the two by skin color. White Moor tribes and clans, many of whom were dark-skinned after centuries of intermarriage with Berbers and sub-Saharan African groups, dominated positions in government and business. The Black Moor subgroup remained politically and economically weaker than the White Moor subgroup. Concentrated in the south, the Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups were underrepresented in the military and security sectors.

The Constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages; however, successive governments--both civil and military--have pursued various policies of "Arabization" in the schools and in the workplace.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important.

Other Societal Abuses and Discrimination

There was no evidence of either societal violence or systematic government discrimination directed at practicing homosexuals. Although Shari'a outlaws homosexuality under certain conditions, secular laws did not, and the Government did not arrest or prosecute any homosexuals during the year.

There was no evidence of systematic discrimination by either society or the Government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association and the right of citizens to join any labor organization, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. To be legally recognized, a union is required to have the authorization of the Public Prosecutor who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. However, the Government has the power to decide whether to recognize a trade union (see Section 6.b.).

The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in regularly paid positions. However, nearly 90 percent of industrial and commercial workers were organized. In July, the Government approved an updated labor code that brought the country closer into line with ILO-specified international norms (see Section 6.b.). The code provided criminal penalties for slavery.

Laws provide workers with protection against anti-union discrimination, and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

b. The Right to Organize and Bargain Collectively

The law provides that unions may organize workers freely without government or employer interference, and workers exercised this right in practice. General or sector agreements on wages, working conditions, and social and medical benefits were negotiated in tripartite discussion and formalized by government decree. Wages and other benefits could also be negotiated bilaterally between employer and union, and the results of such negotiations were filed with the Directorate of Labor. Although the Directorate has the ability to change the negotiated settlement between labor and business, there were no known cases of such action during the year. There are no export processing zones.

The law provides workers with the right to strike, and workers exercised this right during the year. However, strikes in the private sector must be preceded by submission of a non-conciliation or negotiation-breakdown report. Once a referral is made to arbitrate a dispute, the tripartite arbitration committee may automatically terminate any strike. Some unions believed the new code of rendered strikes ineffective by requiring advance notification. Some trade union representatives stated that there was little social dialogue except in response to worker actions in a dispute.

The Government can dissolve a union for what it considered an "illegal" or "politically motivated" strike; however, no unions were disbanded during the year.

The Government ratified an updated Labor Code during the year. The updated Code included significant improvements in health-care entitlements, including the introduction of maternity leave; an improved paced-arbitration system; and a series of laws prohibiting forced labor in any form.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, the law only applies to the relations between employers and workers, and there were credible reports such practices occurred. Slavery is illegal; however, there were still areas where the attitude of master and slave prevailed.

The updated Labor Code, which came into effect in July, includes criminal penalties for human trafficking in all of its recognized forms and includes increased criminal penalties for contracting to benefit from forced labor and for exploiting forced labor as part of an organized criminal network.

In May an ILO team visited the country to investigate allegations of the persistence of forced labor; however, a report had not been released by year's end.

Citizens continued to suffer from the country's heritage of slavery. Slavery has been officially abolished; however, the practice of chattel slavery was once a tradition. Numerous reports suggested that some members of the long-dominant White Moor community continued to expect or desire the servitude of Black Moors. The nature of these reports also suggested that such attitudes impeded the goal of eliminating all remnants of slavery and related practices, a goal to which both the Government and major opposition parties were committed. Slavery-related practices, and reports of slavery itself, persisted most strongly in those remote regions of the east and southeast where a barter economy existed, where education levels were generally low, and where a greater need existed for manual labor in work such as herding livestock and tending fields.

A system of officially sanctioned slavery, in which government and society joined to force individuals to serve masters, did not exist. However, there continued to be reports that slavery in the form of forced and involuntary servitude persisted in some remote areas. The unrecognized NGO SOS-Esclaves publicized several accounts of newly escaped slaves during the year. These reports, while not conclusive proof of the persistence of slavery, strongly suggested that slavery and related practices persisted mainly among a few nomadic groups and small villages in remote rural regions where a barter economy exists.

Voluntary servitude also persisted, with some former slaves and descendants of slaves continuing to work for former masters in exchange for some combination of money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, a barter economy, poverty, and persistent drought provided few economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases. Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and they feared religious sanction if that bond were broken.

Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

There were no reported judicial cases directly related to slavery during the year; however, there were a few cases indirectly related to slavery through issues of child custody and inheritance. Human rights NGOs stated that the absence of such cases was attributable to judges' strong preference for out-of-court arbitration to avoid entering slavery-based allegations in the official record.

The Commissariat for Human Rights, Poverty Alleviation, and Integration focused on addressing the consequences of slavery. The Government focused on education, literacy, and agrarian reform to remedy the economic consequences of slavery-related practices. However, the Government's record in cases in which an individual's civil rights were violated because of status as a former slave was poor. When complaints were filed with the Government that involved the detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable pressure and time.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in the agricultural sector unless the Minister of Labor grants an exception due to local circumstances; however, child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside were commonly employed in herding, cultivation, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. Reporting by some human-rights NGOs, including SOS-Esclaves, strongly suggested that domestic employment, often unpaid, of girls as young as 7 in wealthier homes was a growing problem. There was no child labor in the modern industrial sector.

The Government had a labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities; however, these inspectors lacked the basic resources, such as transport and office equipment, needed to enforce existing child labor and other labor laws.

e. Acceptable Conditions of Work

The minimum monthly wage for adults increased to \$42 (11,300 ouguiya) but was not enforced. The nationally mandated minimum monthly wage did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but, in practice, inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle, workers could remove themselves from hazardous conditions without risking loss of employment; however, in practice they could not.

The law protects legal but not illegal foreign workers, and foreign workers could join unions.